

**BROKEN ARROW CITY COUNCIL MINUTES
JANUARY 3, 2005**

The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Monday, January 3, 2005, at 6:30 p.m.

- 1. Mayor Richard Carter called the meeting to order at the noted time of 6:30 p.m.**
- 2. Reverend Shane Hickey was present to give the invocation.**
- 3. Mayor Carter called the roll:**

Present: Mayor Richard Carter
Vice-Mayor Craig Thurmond
Councilman Wade McCaleb
Councilman Tom Chatterton
Councilwoman Melissa Mahan

Staff Present: James Twombly, City Manager
Wayne Bishop, Communications Coordinator
Gary Blackford, Assistant to the City Manager
Brannon Dodd, Safety and Risk Manager
Hayden Downie, Acting City Attorney
Scott Esmond, Parks Director
Linda Fagundes, Exec. Coord. of Admin./Acting City Clerk
Jay Heinrichs, Controller
Tom Hendrix, City Engineer
Dave Wooden, Public Works Director
Todd Wuestewald, Police Chief

- 4. Mayor Carter led those present in the Pledge of Allegiance to the Flag.**
- 5. Council considered of Consent Agenda.**
 - A. Approval of minutes – regular meeting of December 20, 2004
 - B. Approval of matching funds to Oklahoma Department of Transportation (ODOT) for bridge inspection contract
 - C. Approval of quote received and awarding of the most advantageous quote for one (1) Robotic Total Station
 - D. Approval of Conditional Final Plat for The Estates at Pembroke Park Blocks 9 thru 15, (PT02-112, DN 01-127), 18.39 acres, 49 lots, A-1 to R-2, located ¼ mile north of New Orleans Street (101st Street), ¼ mile west of Olive Avenue (129th East Avenue)
 - E. Approval of Revised Conditional Final Plat for Garnett Commons, (PT02-131, DN 02-222), 6.372 acres, 5 lots, R-1 to C-5, located ¼ mile north of Kenosha Street (71st Street) on the east side of Garnett Road

- F. Approval of Conditional Final Plat for The Heights at Battle Creek, (PT04-129, DN 04-189), 14.84 acres, 1 lot, O-2, C-2 and PUD 94, located ¼ mile east of Aspen Avenue (145th East Avenue), ¼ mile south of Omaha Street (51st Street) on the north side of West Granger Street
- G. Approval of BAZ 1665, 3.3 acres, A-1 to R-3S, located ½ mile north of Omaha Street (51st Street) on the west side of 209th East Avenue
- H. Approval of Specific Use Permit (SP 191), Broken Arrow Public Schools, 2.07 acres, R-3, northwest corner of Main Street and College Street
- I. Approval of BACP 52, Kenwood Acres, 2.07 acres, R-1, Level 1 to Level 6, located on the north side of Kenosha Street (71st Street) between 4th Street and 5th Street
- J. Acceptance of Storm Drainage Easement from Ron P. Bray and Beverly C. Bray (S3 T18N R14E) (Project: Green Country Honda Drainage)
- K. Approval of Claims

Motion by Thurmond, second by Mahan, to approve the Consent Agenda Items with the exception of Item 5E.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion: Carried

Vice-Mayor Thurmond left the room.

6. Council considered items removed from Consent Agenda.

Mayor Carter introduced Item 5E, the Revised Conditional Final Plat for Garnett Commons.

Motion by Chatterton, second by McCaleb, to approve the Revised Conditional Final Plat for Garnett Commons.

Aye: Mahan, Chatterton, McCaleb, Carter
Nay: None
Motion: Carried

Vice-Mayor Thurmond was absent for the vote, but returned to the meeting immediately thereafter.

7A. Council held an Official Installation Ceremony of Fire Chief Dennis McIntire.

Mayor Carter introduced the City's recently-selected Fire Chief Dennis McIntire, and his wife Martha, and officially presented the Chief with his new badge. Mrs. McIntire stepped forward to pin the badge on the Chief's uniform. Chief McIntire gave a short acceptance speech, and invited Captain James Suddath to address the Council. Captain Suddath expressed his appreciation toward the Council and City Manager Twombly for their support.

Council members congratulated Captain McIntire and commented on Broken Arrow's exceptional Fire Department.

8. Citizens' Opportunity to Address the Council (approximately 7:00 p.m.)

No citizens signed up to address the Council.

9A. Council considered nominations for Honorary Mayor and Vice-Mayor for the 2005 "Rooster Days" festivities and related activities.

After presenting the item, Mayor Carter placed into nomination the names of Dr. Donald E. Roulet as Honorary Mayor and Jan Gordon as Honorary Vice-Mayor.

The Mayor provided a brief background on each candidate, highlighting their service to the community.

Motion by McCaleb, second by Chatterton, to nominate Dr. Donald E. Roulet and Jan Gordon as Honorary Mayor and Vice-Mayor respectively, to preside over the 2005 "Rooster Days" festivities and related activities, with official appointment at the next Council meeting.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion: Carried

9B. Council considered appointment of two elected representatives to the Indian Nations Council of Governments (INCOG) Board of Directors, each for a two-year term, beginning January 12, 2005.

Mayor Carter introduced the item and provided background information.

Councilman McCaleb nominated Mayor Carter and Vice-Mayor Thurmond.

Motion by McCaleb, second by Chatterton, to appoint Mayor Carter and Vice-Mayor Thurmond to the Indian Nations Council of Governments (INCOG) Board of Directors, for the specified term.

Aye: Mahan, Chatterton, McCaleb,

Nay: None

Abstain: Thurmond, Carter

Motion: Carried

10. Council considered the City Manager's Report on the following subjects:

A. Construction Alternatives for the Nienhuis Park Community Center Expansion

City Manager Twombly introduced the item and provided background information. He commented that construction costs are escalating and the City plans to bid this project at the end of January or beginning of February. The projects will be bid separately allowing, the City necessary flexibility in making appropriate and timely construction decisions on each.

No action taken.

B. Status of 118 W Kent abatement

City Manager Twombly introduced the item and provided background information. He commented that a professional exterminating company had treated the interior of the residence in order to combat insect infestation and will repeat the treatments every 14 days, for a total of three applications.

No action taken.

C. Tracking system for chronic nuisance/animal complaints

City Manager Twombly introduced the item and gave an overview of the change in protocol that has been established to prevent the recurrence of recent events involving chronic complaints.

No action taken.

11. Preview Ordinances

- A. An ordinance closing an easement located in part of Kenosha Center an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, providing for reservation of rights within the closed easements.

Mayor Carter introduced the item.

Motion by McCaleb, second by Chatterton, to advance Preview Ordinance Item A to the January 18, 2005 meeting for possible approval.

Aye:	Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay:	None
Motion:	Carried

12. Ordinances

- A. **Ordinance Number 2665** - Corrected - An Ordinance defining public nuisances providing for notice and a hearing before a hearing officer, providing for abatement, providing for the recovery of costs, providing for penalties, repealing all ordinance to the contrary, and declaring an emergency.
- B. **Ordinance Number 2678** - An ordinance amending the Zoning Code of the City of Broken Arrow, Oklahoma, approving BAZ 1628 by granting a O-1P zoning classification be placed upon the tracts, and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- C. **Ordinance Number 2679** - An ordinance amending the Zoning Code of the City of Broken Arrow, Oklahoma, approving BAZ 1648 by granting a C-3 zoning classification be placed upon the tracts, and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

- D. **Ordinance Number 2680** - An ordinance amending the Zoning Code of the City of Broken Arrow, Oklahoma, approving BAZ 1656 by granting a C-1 zoning classification be placed upon the tracts, and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- E. **Ordinance Number 2681** - An ordinance amending the Zoning Code of the City of Broken Arrow, Oklahoma, approving BAZ 1633 by granting a IS zoning classification be placed upon the tracts, and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- F. **Ordinance Number 2682** - An ordinance amending the Zoning Code of the City of Broken Arrow, Oklahoma, approving BAZ 1626 by granting a O-3 zoning classification be placed upon the tracts, and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- G. **Ordinance Number 2683** - An ordinance amending the Zoning Code of the City of Broken Arrow, Oklahoma, approving BAZ 1646 by granting a C-5 zoning classification be placed upon the tracts, and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- H. **Ordinance Number 2684** - An ordinance amending the Zoning Code of the City of Broken Arrow, Oklahoma, approving BAZ 1634 by granting an IS zoning classification be placed upon the tracts, and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- I. **Ordinance Number 2685** - An ordinance amending the Zoning Code of the City of Broken Arrow, Oklahoma, approving BAZ 1635 by granting a R-2S zoning classification be placed upon the tracts, and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- J. **Ordinance Number 2686** - An ordinance amending the Zoning Code of the City of Broken Arrow, Oklahoma, approving BAZ 1623 by granting a O-3 zoning classification be placed upon the tracts, and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- K. **Ordinance Number 2687** - An ordinance amending the Zoning Code of the City of Broken Arrow, Oklahoma, approving BAZ 1630 by granting a C-1 zoning classification be placed upon the tracts, and repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- L. **Ordinance Number 2688** - An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 1560), approving BAZ 1642, granting a C-5 zoning classification be placed upon the tracts under PUD 127A, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

Mayor Carter introduced the item and Acting City Attorney Hayden Downie explained the necessity of the emergency clause.

Motion by Chatterton, second by Mahan, to adopt all Ordinances except Ordinance No. 2688.

Aye:	Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay:	None
Motion:	Carried

Vice-Mayor Thurmond left the room.

Motion by Chatterton, second by McCaleb, to adopt Ordinance No. 2688.

Aye: Mahan, Chatterton, McCaleb, Carter
Nay: None
Motion: **Carried**

Motion by Chatterton, second by McCaleb to adopt the Emergency Clauses for Ordinance No. 2665 and Nos. 2678 thru 2688.

Aye: Mahan, Chatterton, McCaleb, Carter
Nay: None
Motion: **Carried**

Vice-Mayor Thurmond returned to the room.

13. Remarks and Inquiries by Governing Body Members

None

Motion by Chatterton, second by Thurmond, to recess for the Broken Arrow Municipal Authority meeting before returning for Executive Session.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion: **Carried**

Council recessed for the Broken Arrow Municipal Authority meeting at the noted time of 6:58 p.m.

Following the BAMA meeting, Mayor Carter immediately reconvened the regular session of the City Council.

Motion by McCaleb, second by Chatterton, to take a ten-minute break before returning for Executive Session.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion: **Carried**

Mayor Carter reconvened the regular session of the City Council at the noted time of 7:11 p.m.

Motion by Chatterton, second by Mahan, to enter into Executive Session.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion: Carried

- 14. Executive Session** for the purpose of confidential communications between the City Council, its Attorney, the City Manager and Personnel Director to discuss possible tort claims involving storm water runoff at 101st and Elm 25 O.S. § 307(B)(4), and for the purpose of conferring on matters pertaining to economic development under Title 25 O.S. § 307(C)(10), which may include the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction. In the opinion of the City Attorney, the Council is advised that public disclosure of the matters discussed would interfere with the development of the direction that the City Council may desire to pursue in these matters. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Mayor Carter reconvened the regular session of the City Council.

No action taken.

15. Council considered adjournment

Motion by Chatterton, second by Mahan, to adjourn.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion: Carried

Meeting adjourned.

**BROKEN ARROW MUNICIPAL AUTHORITY MINUTES
JANUARY 3, 2005**

The Broken Arrow Municipal Authority met in regular session in the City Hall Council Chambers on Monday, January 3, 2005, after the Broken Arrow City Council meeting, which began at 6:30 p.m.

- 1. Richard Carter called the meeting to order at the noted time of 6:58 p.m.**
- 2. Chairman Richard Carter called for roll:**

Present: Chairman Richard Carter
Vice-Chairman Craig Thurmond
Trustee Wade McCaleb
Trustee Tom Chatterton
Trustee Melissa Mahan

Staff Present: James Twombly, City Manager
Wayne Bishop, Communications Coordinator
Gary Blackford, Assistant to the City Manager
Brannon Dodd, Safety and Risk Manager
Hayden Downie, Acting City Attorney
Scott Esmond, Parks Director
Linda Fagundes, Exec. Coord. of Admin./Acting City Clerk
Jay Heinrichs, Controller
Tom Hendrix, City Engineer
Dave Wooden, Public Works Director
Todd Wuestewald, Police Chief

3. Members considered the Consent Agenda:

- A. Approval of regular meeting minutes of December 20, 2004
- B. Approval of Claims

Motion by Chatterton, second by Mahan, to approve the Consent Agenda as submitted.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion: Carried

4. Members considered adjournment.

Motion by Chatterton, second by Thurmond, to adjourn.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion: Carried

Meeting adjourned.